

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JANE DOE 15,

Plaintiff,

-v-

DAREN K. INDYKE, et al.,

Defendants.

19 Civ. 10653 (PAE) (DCF)

ORDER

PAUL A. ENGELMAYER, District Judge:

On January 21, 2020, defendants filed a motion under Rule 12 of the Federal Rules of Civil Procedure to dismiss plaintiff's claim for punitive damages. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that plaintiff shall file any amended complaint by February 11, 2020. No further opportunities to amend will ordinarily be granted. If plaintiff does amend, by March 3, 2020, defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiff, stating that they rely on the previously filed motion to dismiss.¹

It is further ORDERED that if no amended complaint is filed, plaintiff shall serve any opposition to the motion to dismiss by February 11, 2020. Defendants' reply, if any, shall be served by February 18, 2020. At the time any reply is served, the moving party shall supply the

¹ If defendants file a new motion to dismiss or rely on their previous motion, plaintiff's opposition will be due 14 days thereafter, and defendants' reply, if any, will be due seven days after that.

Court with two (2) courtesy copies of all motion papers by mailing or delivering them to the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York 10007.

SO ORDERED.

A handwritten signature in black ink, reading "Paul A. Engelmayer", is written over a horizontal line.

PAUL A. ENGELMAYER
United States District Judge

Dated: January 22, 2020
New York, New York